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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
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June 4, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Bernhardt:

I write to request information on the recent involvement of the U.S. Department of the Interior, including the United States Park Police, in forcibly dispersing crowds in Washington, D.C., that were protesting the killing of a fellow American, George Floyd, and the continued presence of systemic racism in our country.

I am deeply disturbed by measures taken on June 1 by Federal law enforcement, including the Park Police, to clear protestors from an area north of Lafayette Square, part of the President's Park near the White House, several minutes before a city-wide curfew was scheduled to take effect. These actions include the alleged assault of two Australian journalists by U.S. Park Police officers. That these actions were seemingly taken to facilitate a photo opportunity for the President makes the incident all the more appalling and undemocratic.

I recognize that the Department must take necessary steps to ensure public safety and to protect property under its care, particularly the precious and historic monuments and grounds of the National Mall, White House and Lafayette Square. But the suppression of a peaceful demonstration and the decision to aggressively deploy a law enforcement presence on Park Service property in Washington, D.C.—including the indelible image of militarized law enforcement personnel on the steps of the Lincoln Memorial—undermine the values that these monuments are there to celebrate, including the freedoms of speech and peaceable assembly. Moreover, reports that Attorney General William Barr personally directed the dispersal action raise important questions about how this particular incident unfolded as well as how Federal law enforcement resources are being deployed and coordinated more generally.

In addition to serving as powerful symbols of freedom and equality, the National Mall and surrounding areas have a long and important history as a place for Americans to exercise their most cherished constitutionally protected freedoms. The National Park Service serves as the steward of these national treasures, and many others, including those of particular significance to African-Americans and their struggle for equality and justice in this country. Thus, it is imperative that the Department has the policies and resources in place to

protect these freedoms and equality under the law at the same time that it is ensuring the security of the public and our irreplaceable national park system properties. To that end, I respectfully request that the Department respond to the following questions:

1. There are multiple conflicting accounts and statements from officials regarding why the June 1 dispersal took place and why it happened when it did. Why was the decision made to have law enforcement forcibly disperse crowds of protestors near Lafayette Square less than an hour before the District of Columbia's curfew was slated to take effect? Was any Departmental official involved in the decision to order the dispersal?
2. Who gave the order to U.S. Park Police officers to participate in the June 1 dispersal? How was that order communicated to the officers involved?
3. What specific actions or tools were deployed by the Park Police during the dispersal (e.g., use of tear gas or other chemical irritants, distraction devices, etc.)? Were these actions or tools consistent with Departmental regulations and policies governing use of force?
4. Which Federal law enforcement agency currently has the lead role in coordinating the response to active protests in Washington, D.C.? What is the current chain of command through which orders are communicated to participating law enforcement agencies?
5. What is the role of officials from other Federal agencies, including the Departments of Justice or Homeland Security, in directing the Park Police's activities during the law enforcement response and/or limiting access to Park Service property that is normally accessible to the public?
6. Has the Department signed a Memorandum of Agreement or any other similar agreement with any other Federal agency regarding the authority, role and duties of the Park Police to participate in the response to the recent protests? If so, please provide a copy.
7. Does the Department intend to perform a review or investigation of the Park Police's involvement in the June 1 dispersal?
8. How many Departmental law enforcement officers—including the Park Police and other agency and bureau officers—are currently involved with law enforcement response to protests in Washington, D.C.?
9. How much has the Department spent to participate in the recent law enforcement response to the Washington, D.C., protests? Please provide an estimate of total costs, including all personnel costs and non-personnel costs, including equipment, training and construction of security barriers or temporary facilities in support of the operation.
10. Have Departmental law enforcement officers been deployed to assist other Federal, State and local authorities in locations outside the Washington, D.C., region? If so, in what locations and for what purpose?

11. Does the Department plan to institute any further restrictions to public access to national park property in Washington, D.C., including Lafayette Square, the Ellipse, or the National Mall, on either a temporary or permanent basis?

12. Please describe the training received by U.S. Park Police officers and other Departmental law enforcement officers related to: (1) de-escalation and use-of-force tactics; and (2) civil liberties and First Amendment protections. Are such trainings mandatory?

Please respond to this request by no later than Friday, June 12, 2020. Please don't hesitate to contact me or my staff at (202) 224-6621 if you have any further questions.

Sincerely,

A handwritten signature in blue ink that reads "Tom Udall". The signature is written in a cursive, flowing style.

Tom Udall
Ranking Member
Subcommittee on the Interior, Environment,
and Related Agencies